

LUCE, FORWARD, HAMILTON & SCRIPPS

THE BANK OF CALIFORNIA PLAZA

110 WEST A STREET

SAN DIEGO, CALIFORNIA 92101

(714) 236-1414

450 LA JOLLA FINANCIAL BUILDING  
P. O. BOX 1377  
1200 PROSPECT STREET  
LA JOLLA, CALIFORNIA 92037  
(714) 459-4011

EDGAR A. LUCE  
1881-1958  
F. TUDOR SCRIPPS, JR.  
1908-1963

9270-1A  
RECORDATION NO. 9270-1A  
Filed & Recorded  
MAR 8 1978-9 15 AM  
INTERSTATE COMMERCE COMMISSION  
March 1, 1978  
9270  
Filed & Recorded  
MAR 8 1978-9 8-10 AM  
0671020  
INTERSTATE COMMERCE COMMISSION  
JUL 10 1978  
50  
CC 1978-10-10

Secretary of Interstate  
Commerce Commission  
Constitution Avenue and 12th Street, N.W.  
Washington, D.C. 20036

Re: San Diego Trust & Savings Bank vs.  
Thomas F. Guilbault, et al.;  
San Diego Superior Court No. 411463  
RECORDATION OF SECURITY INTEREST IN  
RAILROAD EQUIPMENT

Dear Sirs:

Enclosed you will find certified copies of two Superior Court Orders authorizing attachment of railroad equipment in the name(s) of Thomas F. Guilbault and/or Beatrice J. Guilbault (you will also find two copies of each of these Orders). Also, you will find the two original Writs of Attachment issued by the Clerk of the Superior Court for the State of California, County of San Diego, on said equipment (along with two copies of each Writ). Said equipment being described as: Railroad car built by Pullmann in 1923 for Santa Fe Railroad identified as "Business car 33" and identified under the name "Jeane-Pierre".

This letter will direct you to record these documents against the equipment described thereon in accordance with 49 U.S.C. 20(c) et seq. Enclosed you will find the required \$50.00 recordation fee.

Enclosed you will also find a separate set of copies of the Right to Attach Order and Writs of Attachment which I would ask that you stamp as recorded and return to me in the enclosed envelope.

RECEIVED  
MAR 8 9 11 AM '78  
CERTIFICATION UNIT

LUCE, FORWARD, HAMILTON & SCRIPPS

Secretary of Interstate  
Commerce Commission

Page Two

March 1, 1978

My sincere thanks for your assistance in  
this matter.

Very sincerely,

A handwritten signature in dark ink, appearing to read "Patrick Carroll Shea". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Patrick Carroll Shea  
for

LUCE, FORWARD, HAMILTON & SCRIPPS

PCS:sb

Enclosures

**Interstate Commerce Commission**  
Washington, D.C. 20423

3/8/78

OFFICE OF THE SECRETARY


Patrick Carroll Shea  
Luce, Forward, Hamilton & Scripps  
110 West A Street, Suite 1700  
San Diego, California 92101

Dear

**Sir:**

The enclosed document(s) was recorded pursuant to the  
provisions of Section 20(c) of the Interstate Commerce Act,  
49 U.S.C. 20(c), on **3/8/78** at **9:15am**  
and assigned recordation number(s) **9270 & 9270-A**

Sincerely yours,

  
H.G. Homme, Jr.  
Acting Secretary

Enclosure(s)

SE-30-T  
(6/77)

NAME AND ADDRESS OF ATTORNEY: Patrick Carroll Shea Luce, Forward, Hamilton & Scripps 110 West A Street, Suite 1700 San Diego, California 92101	TELEPHONE NO.: (714) 236-1414	FOR COURT USE ONLY <div style="text-align: center;"> <b>F I L E D</b>          Robert D. Zumwalt, Clerk  <b>MAR 1 1978</b>          BY <u>B. LAWRENCE, Deputy</u> </div>
Insert name of court, judicial district or branch court, if any, and post office and street address: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		
PLAINTIFF: SAN DIEGO TRUST & SAVINGS BANK		RECORDATION NO. <u>9270</u> Filed & Recorded <b>MAR 8 1978 - 9 15 AM</b>
DEFENDANT: THOMAS F. GUILBAULT, ET AL.		INTERNATIONAL COMMERCE COMMISSION
EX PARTE <input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT) <input type="checkbox"/> ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT (RESIDENT)		CASE NUMBER: 411463

1. The application and supporting affidavit of plaintiff (Name): SAN DIEGO TRUST & SAVINGS BANK, a California corporation  
 for an ex parte ☒ right to attach order and order for issuance of writ of attachment ☐ order for issuance of a writ of attachment  
 has been considered by the court.

#### FINDINGS

2. The court finds
- a. Defendant is a ☐ corporation ☐ partnership ☐ unincorporated association ☒ individual.
  - b. ☒ The claim upon which the application is based is one upon which an attachment may be issued.
  - c. ☒ Plaintiff has established the probable validity of the claim upon which the application is based.
  - d. ☐ A Right to Attach Order was issued pursuant to ☐ CCP 484.090 (On notice) ☐ CCP 485.220 (Ex parte) on (Date):
  - e. ☐ The court pursuant to CCP 485.240 found plaintiff is entitled to a Right To Attach Order on (Date):
  - f. ☒ The affidavit accompanying the application shows that the property sought to be attached is not exempt from attachment.
  - g. ☐ The portion of the property sought to be attached described in item 3b is not exempt from attachment.
  - h. ☒ An undertaking in the amount of: \$ 7,500.00 is required before a writ shall issue, and plaintiff ☒ has ☐ has not filed an undertaking in that amount.
  - i. Great or irreparable injury will result to the plaintiff if issuance of the order is delayed until the matter can be heard on notice, based on the following
    - (1) ☒ There is a danger that the property sought to be attached would be
      - (a) ☒ concealed
      - (b) ☒ substantially impaired in value
      - (c) ☒ made unavailable to levy by other than concealment or impairment in value.
    - (2) ☐ A bulk sales notice was recorded in: County on (Date): and published pursuant to Division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
    - (3) ☐ An escrow has been opened pursuant to the provisions of Bus & PC 24074 with respect to the sale by the defendant of a liquor license (Numbered):
    - (4) ☒ Other circumstances (Indicate): Great and irreparable injury as set forth in Declaration of
  - j. ☒ The attachment is not sought for a purpose other than the recovery on the claim upon which the application is based.
  - k. ☐ Other (Specify):

(Continued on reverse side)

The word "plaintiff" includes cross-complainant, "defendant" includes cross-defendant, singular includes the plural, and masculine includes feminine and neuter.

3. IT IS ORDERED

a. ☒ Plaintiff has a right to attach property of the defendant (Name): . . . THOMAS F. GUILBAULT . . . . . in the amount of: \$ . 43,500 . . . . .

b. ☒ The clerk shall issue a writ of attachment ☒ forthwith ☐ upon the filing of an undertaking in the amount of: \$ . . . . . against the property of defendant described below or in attachment 3b.

(1) ☒ Real property, standing in the name of defendant or any other person. (Describe; state name and address of other person in the manner required by CCP 488.310):

10971 Horizon Hills Dr.  
El Cajon, CA 92020

(2) ☒ Tangible personal property in the possession of defendant or any other person. (Describe; state name and address of other person):

(a) Proceeds from sale of property at 10971 Horizon Hills, El Cajon, CA 92020 andmark Escrow No. 8-8211-B); also, (b) Railroad Car named "Jean-Pierre" (Bus. Car No. 33, built 23 - SFRR); also, (c) Negotiable documents, negotiable instruments, securities, checks, drafts, certificates of deposit, and other instruments constituting money or the

(3) ☐ Farm products or inventory of a going business. (Describe): right to receive money.

(4) ☐ Motor vehicles or vessels which are equipment of a going business and for which a certificate of ownership has been issued by the Department of Motor Vehicles. (Describe):

(5) ☐ Equipment of a going business (Other than in item 3b(4). Describe):

(6) ☐ Crops growing on or timber to be cut standing upon real property in the name of defendant or any other person. (State location of and describe; state name and address of other person in the manner required by CCP 488.360(c)).

(7) ☒ Money of an individual defendant

(a) ☒ located on the premises where a trade, business or profession is conducted by defendant

(b) ☒ in excess of \$1,000 elsewhere than on the premises where a trade, business or profession is conducted by defendant and not in deposit accounts

(c) ☒ located in a deposit account in excess of \$1,000

(d) ☒ in excess of an aggregate amount of \$1,000 located ☒ in deposit accounts ☒ in a deposit account and money located elsewhere than on the premises where a trade, business or profession is conducted by defendant.

(8) ☐ Property covered by the bulk sales notice recorded in: . . . . . County (Date): . . . . . or the proceeds of the sale of such property.

(9) ☐ Plaintiff's pro rata share of the proceeds from an escrow in which defendant's liquor license is sold (Liquor license number): . . . . .

(10) ☐ Other property (CCP 488.370-488.430 and CCP 487.010. Describe):

(11) ☐ Any property for which a method of levy is provided (Use only for other than individual defendant).

c. ☒ Defendant (Name): THOMAS F. GUILBAULT

shall transfer to the levying officer possession of ☒ any documentary evidence in defendant's possession of title to any property described in item 3b; ☒ any documentary evidence in defendant's possession of debt owed to defendant described in item 3b; ☒ the following property in defendant's possession (Specify): All property described above.

NOTICE TO DEFENDANT: Failure to comply with this order may subject you to being held in contempt of court.

d. ☐ Other:

e. Total number of boxes checked in item 3: . . . 15 . . . . .

Dated: MAR 1 1978

(Type or print name)

ROSS G. THARP

(Signature of Judge)

The foregoing instrument is a full, true and correct copy of the original on file in this office.

MAR 1 1978

ROBERT D. ZUEHLBALT, County Clerk and Clerk of the Superior Court of the State of California, in and for the County of San Diego.

By: [Signature] Deputy

D. J. HARRINGTON